

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEVILLE PORRAS,

No. C 08-03006 CW (PR)

Petitioner,

ORDER OF DISMISSAL

v.

BEN CURRY, Warden,

Respondent.

Petitioner Neville Porras, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole by the California Board of Parole Hearings (Board) on August 15, 2006.

Petitioner has since filed another habeas action in this Court, in which he challenged a 2007 Board hearing and denial. See Porras v. Curry, Case No. C 08-5252 CW (PR). On the same date as this Order, the Court has denied Respondent's motion to dismiss the petition in Case No. C 08-5252 CW (PR). The Court has ordered Respondent to show cause why a writ of habeas corpus should not be granted in C 08-5252 CW (PR).


Here, Petitioner claims that the Board's 2006 denial of parole was unlawful. Because the Court will be considering the petition in Case No. C 08-5252 CW (PR) relating to the Board's 2007 denial, the present petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED without prejudice as moot.

1 The Clerk of the Court shall terminate all pending
2 motions, including Respondent's Motion to Dismiss (docket no.
3 4), and close the file.

4 This Order terminates Docket no. 4.

5 IT IS SO ORDERED.

6 DATED: 12/29/09

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8 CLAUDIA WILKEN
9 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NEVILLE PORRAS,

Case Number: CV08-03006 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

BEN CURRY et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Neville Porras E-37606
Y337
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960-0689

Dated: December 29, 2009

Richard W. Wieking, Clerk

By: Sheilah Cahill, Deputy Clerk